



Meeting Summary

ADEQ WATER QUALITY DIVISION TRIENNIAL REVIEW 2018 STAKEHOLDER MEETING SUMMARY

DATE: Sept. 14, 2018

TIME: 9-11:45 a.m

LOCATION: ADEQ, 1110 W. Washington St., Phoenix, Room #3175

STAKEHOLDER ATTENDEES (Attached)

ADEQ STAFF

Krista Osterberg
Afag Abbasova
Rik Gay
Matt Ivers
Juan Perez
Sam Rector

Patti Spindler
Jason Sutter
Heidi Welborn

ADDITIONAL ATTENDEES

Theresa Gunn, GCI
Kelly Cairo, GCI

AGENDA

The complete agenda is available online and includes:

- Review Agenda and Introductions
- Welcome
- Rule Changes and Stakeholder Input
- Next Steps
- Evaluation

REVIEW AGENDA AND INTRODUCTIONS

Meeting facilitator Theresa Gunn greeted attendees and facilitated introductions. Approximately 37 stakeholders participated in the meeting, with 21 attending in person and 16 via WebEx or conference call. Some attendees may not have identified themselves.

WELCOME

Krista Osterberg welcomed the group. She noted her appreciation for those attending the meeting and providing early input to the rulemaking process. She explained that the Triennial Review meetings are designed to continue to gather stakeholder input on the draft rule prior to the formal public hearing process. Early input assists ADEQ in providing the best possible rule during the formal process.

RULE CHANGES AND STAKEHOLDER INPUT

ADEQ staff members presented rule changes and requested comments and questions regarding the following topics:

- Section 101: Definitions
- Section 107: Antidegradation
- Section 109: Numeric Water Quality Standards
- Section 114: Mixing Zones
- Section 115: Site Specific Standards
- Section 120: Enforcement
- Section 122: Variances
- Appendix A: Numeric Water Quality Standards
- Appendix B: Surface Waters and Designated Uses
- Appendix C: Site-Specific Standards

Additionally, Osterberg reviewed topics for which stakeholders suggested changes, but were not acted upon.

The presentation is available online at:

http://static.azdeq.gov/wqd/tri_rev_presentation_091418.pdf.

Highlights of questions

Section 109: Numeric Water Quality Standards

- What is the impact of the E. coli criteria change? Will this affect which streams will be considered impaired?
- Is the burden of proof on the discharger or ADEQ for e.coli exceedances?

Section 114: Mixing Zones

- Do mixing zones apply to individual permits, not general permits?
- If a portion of the mixing zone was lethal would it be disallowed?
- When will ADEQ evaluate mixing zones for existing permits?

- For the zone of initial dilution, are there any requirements to consider high turbulence, outfall and rapid mixing?
- Please explain (H)(6).

Section 122: Variances

- We need flexibility in the amount of time to evaluate new technology. We would be reluctant to try a potentially beneficial new technology if it might result in a violation. We would like an avenue within the current permit without an NOV.
- Would a variance be proposed in a Triennial Review?
- Will each review have a public notice?
- Once the variance rule is approved, is it open for anyone to apply?
- How many variances are there on the current 140 or so individual permits in the state?
- What if a second party applies for a variance on the same water body?
- How does the public process fit into the schedule?

(Comment): I am concerned that Five years is a long time to achieve compliance with standards.

Appendix A

- What is ADEQ's monitoring routine?
- Why don't ephemerals have an ammonia standard?
- Do corrections to rounding have much effect?

Appendix B

- Regarding ADEQ proposed revision for segment of the Santa Cruz River from Tubac endpoint to Josephine Canyon, what is the process to redefine a segment?

(Comment): Appendix B Verde River Watershed, Granite Creek (headwaters to Watson Lake) fails to recognize tribal lands and Appendix B listing needs to exclude segments on tribal land.

Appendix C

(Comment): I oppose site-specific standards for Pinto Creek.

Additional questions and comments

- Since the OAW is no longer under consideration, I would like to know the status of the Upper Verde nomination submitted for OAW?
- None of the testing is for prescription drugs?

- Do you ever test for unexpected pollutants? What is the purpose of adding new parameters?
- Will an acute multiplier for ammonia still be allowed?
- How can a designated use be removed?
- Does ADEQ use the fish consumption water quality standards as decision criteria for fish consumption advisories?
- Are there any interim measures ADEQ can take regarding Se tissue data, eg. adopt new EPA tissue criteria but not apply it in permits?
- If the stringency doesn't change, why do the standards change?

(Comment): The decision to not move forward with selenium does not seem consistent with the EPA's direction.

NEXT STEPS

Staff explained that informal comments are due on Sept. 28.

There will be an additional formal process after this step which will also allow for an additional 45-day comment period, with a formal public hearing.

However, staff would appreciate any informal comments stakeholders may have as soon as possible in order to propose the best rule possible, and to prevent having to re-notice the proposed rule should any necessary substantive changes be identified later.

Once the rule is finalized, it will be sent to EPA who must either approve or disapprove each change they have authority to act on, and must do so in their allotted time.

Timeline

- September 28, 2018 – Stakeholders Comments on Draft Rule Due
 - Email: WaterQualityStandards@azdeq.gov
 - Draft Rule: <http://www.azdeq.gov/draft-and-proposed-rule-water-quality-division>
- November 2018 – ADEQ intends to file the proposed rule with the Secretary of State
- December 2018 – Formal Comment Period Begins (45 Days)
- January 2019 – Public Hearing and Close Formal Comment
- April/May 2019 – Governor's Regulatory Review Council (GRRC) meetings

- July 2019 – Anticipated Effective Date

EVALUATION

Theresa requested that stakeholders complete meeting evaluations. The meeting evaluation was also available online through Sept. 16. Results are attached.

STAKEHOLDER ATTENDEES (IN PERSON AND BY PHONE) AND ORGANIZATION

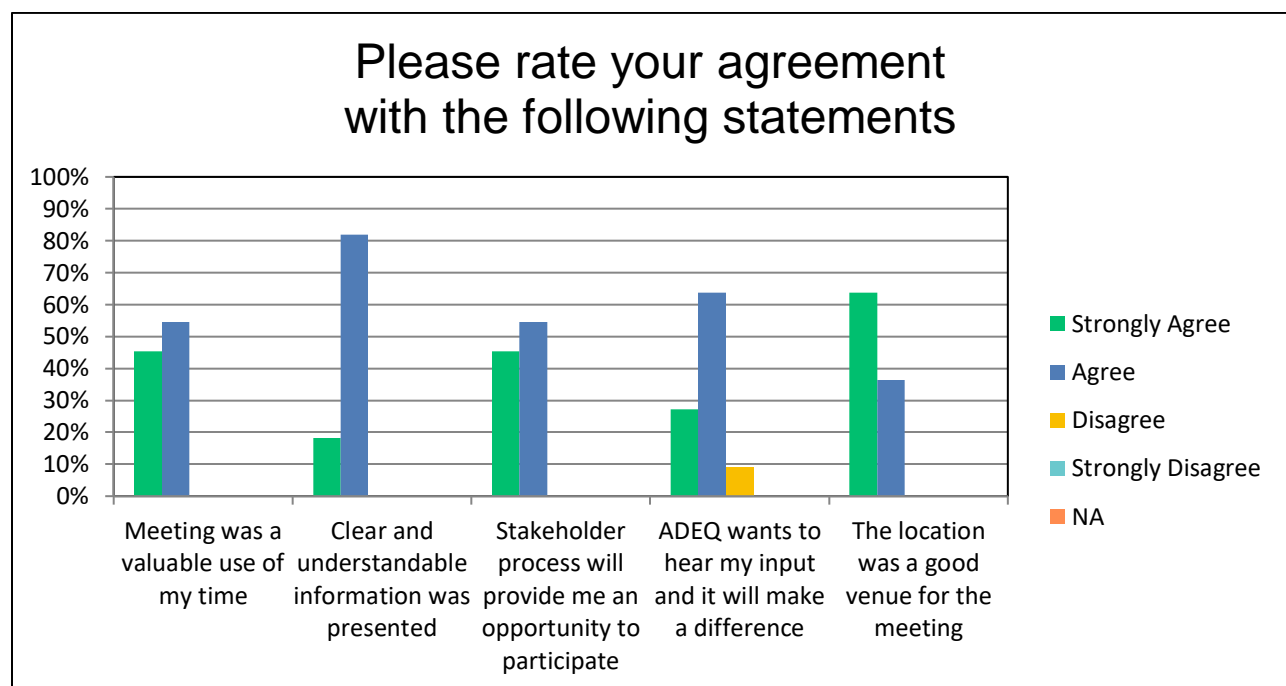
Sandy Bahr	Sierra Club - Grand Canyon Chapter
Justin Bern	City of Tempe
Mason Bolitho	Haley & Aldrich, Inc.
Susan Butler	
Joan Card	Culp & Kelly, LLP
Justin Clark	ADWR
Lee Decker	Gallagher & Kennedy
Eileen Dunn	
Barbara Escobar	Pima RWRD
Tim Flood	ADHS
Melanie Ford	City of Phoenix Water Services Department
Hilary Hartline	City of Phoenix, Office of Environmental Programs
Jim Hight	Sierra Club
Christina Hoppes	City of Tempe Water Utilities
Mark Horlings	Maricopa Audubon Society
Matt Killeen	City of Prescott
Rachael King	
Regina Lynde	
Kathleen Malloy-Bradley	City of Phoenix
Jennifer Martin	Sierra Club - Grand Canyon Chapter
Jenn McCall	NXP USA, Inc.
Amanda McGennis	Arizona Chapter Associated General Contractors
Ryan Mitchell	
Andrea Odegard-Begay	Garver
Leigh Padgitt	City of Phoenix
Mike Ploogle	SRP
Beth Polidoro	ASU
Jeff Prevatt	Pima County
Scott Thomas	Fennemore Craig
John Townsend	
William Turner	
Forrest Woodwick	APS

ADEQ STAKEHOLDER MEETING EVALUATION RESULTS

Seven stakeholders returned a meeting evaluation survey. Stakeholders did not answer all questions.

Attendees were asked to rate their agreement (Strongly Agree, Agree, Disagree, Strongly Disagree, Not Apply) with the following statements:

- Meeting was a valuable use of my time
- Clear and understandable information was presented
- Stakeholder process will provide me an opportunity to participate
- ADEQ wants to hear my input and it will make a difference
- The location was a good venue for the meeting



What was the best thing about today?

- Active participation by stakeholders and multiple ADEQ representatives.
- Appreciate ADEQ's responses and participation.
- Educated presenters and panel.

What should be changed for future meetings?

- Add a few tables for people who need a table to "work" with computers and paper.
- N/A